(61)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3074 of 2007

PETITIONERS

1. Peter Xess, Aged about 47 years, Son of Shri Vincent Xess, Head Master, Posted at St. Joseph's Middle School, Manpur, P.O. Shankargarh, District Ambikapur (Chhattisgarh)

2. Julius Xaxa, Aged about 47 years, Son of Late Shri Mane Xaxa, Assistant Teacher, posted at St. Joseph's Middle School, Manpur, P.O. Shankargarh, District Ambikapur (Chhattisgarh)

3. Smt. Sushma, Aged about 37 years, Wife of Shri Tejkumar Kujur, Assistant Teacher, Posted at St. Joseph's Middle School, Manpur, P.O. Shankargarh, District Ambikapur (Chhattisgarh)

4. Ku. Claudia Minj, Aged about 40 years, Daughter of Shri Emmanuel Minj, Assistant Teacher, Posted at St. Joseph's Middle School, Manpur, P.O. Shankargarh, District Ambikapur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh through Secretary, Tribal Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Commissioner, Tribal Welfare Department, District Ambikapur (Chhattisgarh)

3. Catholic Sansthan Surguja, Uttar Purb Parikshetra, through Nirdeshak, Bishop's House, Ambikapur (Chhattisgarh)

Petition U/A 226 of the Constitution of India

Single Bench :Hon'ble Shri Justice Satish K. Agnihotri

Present : Shri Rahul Birthare, counsel for the petitioners.
Shri A Dubey, Panel lawyer for the State/respondents.

ORAL ORDER
(Passed on 11th May, 2007)

62

The question of law involved in this petition is whether the teachers working in government aided private schools are entitled to the benefit of the recommendation of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetno Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1998 (henceforth 'the Pay Rules, 1998').

(2) The identical question of law was considered by this Court in batch of matters i.e. **Smt. A Lall Vs State of Chhattisgarh & Others** (W.P.No.4108 of 2005) with other connected matters, and the same was disposed of by judgment and order dated 06.02.2007. It was held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay scales w.e.f.01.01.1996 as prescribed under the Pay Rules, 1998. This Court had granted certain directions further for the purpose of disbursement of arrears.

(3) Admittedly and jointly, it is submitted by the learned counsel for the parties that this matter is squarely covered by the judgment and order dated 06.02.2007 passed by this Court in the case of Smt A Lall (supra) and other connected matters.

(4) As a result, for the reasons stated in the judgment and order dated 06.02.2007 passed in W.P.No.4108 of 2005 Smt A Lall (Supra) and other connected matters, the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge